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| 09/748,085      | 12/20/2000  | David Arthur Eatough | 42390P9719          | 4345             |

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EXAMINER

TON, ANTHONY T

ART UNIT PAPER NUMBER

2661

DATE MAILED: 03/12/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

PM

# Office Action Summary

Application No.

09/748,085

Applicant(s)

EATOUGH, DAVID ARTHUR

Examiner

Anthony T Ton

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3 and 5</u> . | 6) <input type="checkbox"/> Other: _____  |

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

## EXAMINER'S CASE ACTION WORKSHEET

Application No.  
09/748,085



Legal Instrument Examiner

CHECK TYPE OF ACTION

DATE OF COUNT

|   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> Non-Final Rejection                                       | <input type="checkbox"/> Restriction/Election Only  | <input type="checkbox"/> Final Rejection  |
| <input type="checkbox"/> Ex Parte Quayle  | <input type="checkbox"/> Allowance  | <input type="checkbox"/> Advisory Action  |
| <input type="checkbox"/> Examiner's Answer  | <input type="checkbox"/> Reply Brief Noted  | <input type="checkbox"/> Non-Entry of Reply Brief   |
| <input type="checkbox"/> Defective Notice of Appeal   | <input type="checkbox"/> Interference Disposal<br>SPE _____<br>(Approval for Disposal)          | <input type="checkbox"/> Suspension<br>(Examiner-Initiated)<br>SPE _____ (initial)              |
| <input type="checkbox"/> Defective Appeal Brief   | <input type="checkbox"/> SIR Disposal<br>(use only after FAOM)                                  | <input type="checkbox"/> Supplemental Examiner's Amendment                                      |
| <input type="checkbox"/> Miscellaneous Office Letter<br>(With Shortened Statutory Period Set) | <input type="checkbox"/> Notice of Non-Responsive Amendment<br>(With One Month Time Period set) | <input type="checkbox"/> Miscellaneous Office Letter<br>(No Response Period Set)                |
| <input type="checkbox"/> Abandonment after BPAI Decision                                      | <input type="checkbox"/> Supplemental Action<br>(excluding Examiner's Answer)                   | <input type="checkbox"/> Response to Rule 312 Amendment   |
| <input type="checkbox"/> Letter Restarting Period for Response (e.g., Missing References)     | <input type="checkbox"/> Interview Summary  | <input type="checkbox"/> Authorization to Change Previous Office Action<br>SPE: _____ (Initial) |
| <input type="checkbox"/> Abandonment  | <input type="checkbox"/> Express Abandonment<br>Date: _____                                     | <input type="checkbox"/> Other<br>Specify: _____  |

Examiner's Name: Anthony T Ton

AU: 2661

## DETAILED ACTIONS

### Drawings

1. The drawings are objected to because of the following informalities:

**Fig.2:** Term "**200**" designated for "BUS 200" is not compliant with the specification shown in page 8 lines 3-19. Examiner suggests changing this term to "**201**" to be compliant with the specification.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### Abstract

2. The abstract of the disclosure is objected to because the following informalities:

Term "packets **form**" shown in page 17 line 6 is not appropriate. Examiner suggests changing this term to "packets **from**".

Correction is required. See MPEP § 608.01(b).

### Specification

3. The disclosure is objected to because of the following informalities:

a) Term "packets **form**" shown in page 4 line 18 is not appropriate. Examiner suggests changing this term to "packets **from**".

b) Term "MSG server **150**" shown in page 5 line 20 is not appropriate. Examiner suggests changing this term to "MSG server **160**".

c) Term "client 130, **MSG server**" shown in page 5 line 21 is not appropriate. Examiner suggests changing this term to "client 130, **MSG server 160**".

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claim 17** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. **Claim 17** recites the limitation "*and further wherein the one or more processors runs a messaging server that receives forwarded messages from the messaging client of the second electronic system*" in lines 5-7. There is insufficient antecedent basis for this limitation in the claim since *the one or more processors* can be confused with *the one or more processors* that recited in Claim 16 line 8.

Furthermore, there is no any coupling (connection) between the messaging client of the second client electronic system and the messaging server (it is a different messaging server from that as recited in Claim 16 line 9); thereby, how could the messaging server receive forwarded messages (message packets) forwarded from the messaging client of the second client electronic system to the messaging server?

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. **Claims 1, 4, 6, 9, 11 and 14** are rejected under 35 U.S.C. 102(a) as being anticipated by **Orfali et al.** (US Publication: "Client/Server Survival Guide", 1999, Pages 127-201, Third Edition, Publisher: John Wiley & Sons, USA).

a) **Regarding to Claim 1: Orfali et al.** (Orfali) (provided by **IDS #5**)  
**disclosed** a method comprising:

generating a packet [*see Fig.7-14: step 1, order (sign)*] in response to a predetermined event [*see page 155: step 1, Jeri places an order*];

storing the packet locally [*see Fig.7-14: the process between steps 1 and 2, and see page 155: step 2, merchant's server program (hence, the packet is storing at Merchant's location before forwarding to the Bank via the step 2); in which, Customer Jeri and Merchant are treated as at the Client side, and the Bank and Visa are treated as at Server side*];

forwarding the packet with a client messaging application to a server messaging application [*see Fig.7-14: step 2, and see page 155, in step 1: an electronic shopping card enclosed her encrypted credit card number (a client messaging application), in which the merchant is a client server*] via a network connection managed by the client messaging application [*see Fig.7-14: the cloud network covering the steps 2 and 5*]; and

dispatching the packet with the server messaging application [*see Fig.7-14: step 3, and see page 155, in step 3: if the card is still OK and if Jeri has enough credit to cover the transaction (hence, the server messaging application), in which the Bank is a messaging server*] a messaging handler that processes the packet [*see Fig.7-14: VISA and Master Card*].

**b) Regarding to Claim 4: Orfali disclosed** the method of claim 1 further comprising:

generating an acknowledge message in response to the packet being dispatched to the messaging handler *[see Orfali, Fig.7-14: OK (signed) (an acknowledge message) on step 5; and step 4 (in response to the packet being dispatched to the messaging handler)]*; and

communicating the acknowledge message from the messaging server application to the messaging client application *[see Orfali, Fig.7-14: step 5]*.

**c) Regarding to Claim 6: Orfali disclosed** an article comprising:

generating a packet *[see Fig.7-14: step 1]* in response to a predetermined event *[see page 155: step 1, Jeri places an order]*;

storing the packet locally *[see Fig.7-14: the process between steps 1 and 2, and see page 155: step 2, merchant's server program (hence the packet is storing at Merchant's location before forwarding to the Bank via the step 2); in which, Customer Jeri and Merchant are treated as at the Client side, and the Bank and Visa are treated as at Server side]*;

forwarding the packet with a client messaging application to a server messaging application *[see Fig.7-14: step 2, and see page 155, in step 1: an electronic shopping card enclosed her encrypted credit card number (a client messaging application), in which the merchant is a client server]* via a network connection managed by the client messaging application *[see Fig.7-14: the cloud network covering the steps 2 and 5]*; and

dispatching the packet with the server messaging application *[see Fig.7-14: step 3, and see page 155, in step 3: if the card is still OK and if Jeri has enough credit to*

*cover the transaction (hence the server messaging application), in which the Bank is a messaging server] a messaging handler that processes the packet [see Fig.7-14: VISA and Master Card].*

**d) Regarding to Claim 9: Orfali disclosed** the article of claim 6 further comprising:

*generating an acknowledge message in response to the packet being dispatched to the messaging handler [see Orfali, Fig.7-14: OK (signed) (an acknowledge message) on step 5; and step 4 (in response to the packet being dispatched to the messaging handler)]; and*

*communicating the acknowledge message from the messaging server application to the messaging client application [see Orfali, Fig.7-14: step 5].*

**e) Regarding to Claim 11: Orfali disclosed** a computer data signal comprising:

*generating a packet [see Fig.7-14: step 1] in response to a predetermined event [see page 155: step 1, Jeri places an order];*

*storing the packet locally [see Fig.7-14: the process between steps 1 and 2, and see page 155: step 2, merchant's server program (hence the packet is storing at Merchant's location before forwarding to the Bank via the step 2); in which, Customer Jeri and Merchant are treated as at the Client side, and the Bank and Visa are treated as at Server side];*

*forwarding the packet with a client messaging application to a server messaging application [see Fig.7-14: step 2, and see page 155, in step 1: an electronic shopping card enclosed her encrypted credit card number (a client messaging application), in*

*which the merchant is a client server]* via a network connection managed by the client messaging application [*see Fig.7-14: the cloud network covering the steps 2 and 5*]; and dispatching the packet with the server messaging application [*see Fig.7-14: step 3, and see page 155, in step 3: if the card is still OK and if Jeri has enough credit to cover the transaction (hence the server messaging application), in which the Bank is a messaging server]* a messaging handler that processes the packet [*see Fig.7-14: VISA and Master Card*].

f) **Regarding to Claim 14: Orfali disclosed** the computer data signal of claim 11 further comprising:

generating an acknowledge message in response to the packet being dispatched to the messaging handler [*see Orfali, Fig.7-14: OK (signed) (an acknowledge message) on step 5; and step 4 (in response to the packet being dispatched to the messaging handler)*]; and

communicating the acknowledge message from the messaging server application to the messaging client application [*see Orfali, Fig.7-14: step 5*].

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 2, 7 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Orfali et al.** (US Publication: "Client/Server Survival Guide", 1999, Pages 127-201, Third Edition, Publisher: John Wiley & Sons, USA) in view of **Renouard et al.** (US Patent No. 6,161,123).

**Orfali disclosed** a method, an article, and a computer signal in a network as shown in Fig.7-14.

**Orfali failed to explicitly disclose** a packet, which includes a target identifier and a variable length data field. **Renouard et al.** (Renouard) **clearly taught** such a packet [*see Renouard, col.3 lines 28-29: an identifier of the destination; and see col.11 lines 22-27: a variable length data field 1020*].

**It would have been obvious** to one of ordinary skill in the art at the time of the invention was made to provide such a packet throughout the fundamental framework of Orfali, as taught by Renouard in order to distinguish a destination and use for transmitting data messages, the motivation being able to provide a successful transfer to an appropriate destination.

11. **Claims 5, 10 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Orfali et al.** (US Publication: "Client/Server Survival Guide", 1999, Pages 127-201, Third Edition, Publisher: John Wiley & Sons, USA) in view of **Trenbeath et al.** (US Patent No. 6,324,587).

**Orfali disclosed** a method, an article, and a computer signal in a network as shown in Fig.7-14.

**Orfali failed to explicitly disclose** the method, article and computer signal further comprising dropping the packet from the local storage in response to the acknowledge message being received by the messaging client application.

**Trenbeath et al.** (Trenbeath) **explicitly disclosed** dropping the packet from the local storage in response to the acknowledge message being received by the messaging client application *[see Trenbeath, col.6 lines 32-38, a particular data object may be included in a store and forward message and later be removed from that message during processing]*.

**It would have been obvious** to one of ordinary skill in the art at the time of the invention was made to provide such a dropping the packet from the local storage after step 6 in Fig.7-14 of Orfali, as taught by Trenbeath in order to save memory for a storage in a client system, the motivation being able to execute a program more faster since more memory available for such a storage.

12. **Claims 3, 8 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Orfali et al.** (US Publication: "Client/Server Survival Guide", 1999, Pages 127-201, Third Edition, Publisher: John Wiley & Sons, USA) in view of **Renouard et al.** (US Patent No. 6,161,123) as applied to claim 2 above, and further in view of **Verkler et al.** (US Patent No. 6,157,941).

**Orfali disclosed** wherein the message server application selects a messaging handler from a plurality of messaging handlers based on the target identifier *[see Orfali, Fig.7-14: Bank (message server application); step 3 specifically pointed to VISA (a messaging handler); VISA and Master Card (a plurality of messaging handlers)]*.

**Renouard disclosed** the target identifier as described in the Claim 2 above.

**Both Orfali and Renouard failed** to explicitly teach **selects** a messaging handler from a plurality of messaging handlers **based on** the target identifier. However, **Verker et al.** (Verker ) clearly taught such a selection [*see Verker, Fig.2 and col.9 lines 24-32: Agent event manager 401 handles messages by running one of message handlers 402-404*].

**It would have been obvious** to one of ordinary skill in the art at the time of the invention was made to provide such a selection based on the target identification of a handler throughout the VISA and Master Card of Orfali, as taught by Verker in order to select an appropriate destination, the motivation being able to make Orfali more efficient.

13. **Claims 16 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Orfali et al.** (US Publication: "Client/Server Survival Guide", 1999, Pages 127-201, Third Edition, Publisher: John Wiley & Sons, USA) in view of **Akatsu et al.** (US Patent No. 6,496,862).

a) **Regarding to Claim 16: Orfali disclosed** a network architecture comprising:

a server electronic system coupled to the client electronic system, the server electronic system having one or more processors to run one or more programs in a memory system coupled to the processor, wherein the one or more processors runs a messaging server that receives forwarded messages from the messaging client and processes the messages in a predetermined manner [*see Orfali, Fig.7-14: in which,*

*Bank and Visa Master Card are considered as at the location of the server electronic system of the instant claim; whereas, Customer Jeri and Store are treated as at the client electronic system of the instant claim; and the cloud network is used to connect the server electronic system and the client electronic system together; furthermore, the Visa Master Card has been treated as the processor of the instant claim, hence, this processor would run programs (message packets) to clarify the status (predetermined manner) of the Customer Jeri].*

**Orfali failed to clearly disclose** the following electronic subject matters:

a client electronic system having one or more processors to run one or more programs and a memory system coupled to the processor, the memory system to store one or more message packets, wherein the one or more processors also runs a messaging client that forwards message packets stored in the memory system.

However, **Akatsu clearly disclosed** such electronic subject matters as follows:

a client electronic system [see Akatsu, Fig.9: 908] having one or more processors [see Akatsu, Fig.2: 104] to run one or more programs [see Akatsu, col.3 lines 43-44: data packet] and a memory system coupled to the processor, the memory system to store one or more message packets [see Akatsu, Fig.7: 720 and 706], wherein the one or more processors also runs a messaging client that forwards message packets stored in the memory system [see Akatsu: See Fig.24: 2700 (a messaging client); and see col.3 line 53: forwarding the output data packet to the external network].

**It would have been obvious** to one of ordinary skill in the art at the time of the invention was made to provide such electronic subject matters throughout the fundamental framework of Orfali, as taught by Akatsu for a purpose of hardware

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implementation, the motivation is being explicitly provided an appropriate hardware to an electronic shopping and payment infrastructure system of Orfali.

b) **Regarding to Claim 17: Orfali disclosed** network architecture as shown in Fig.7-14.

**Both Orfali and Akatsu failed to clearly disclose** a second client electronic system having one or more processors to run one or more programs and a memory system coupled to the processor, the memory system to store one or more message packets, wherein the one or more processors also runs a messaging client that forwards message packets stored in the memory system, and further wherein the one or more processors runs a messaging server that receives forwarded messages from the messaging client of the second client electronic system and processes the messages in a predetermined manner. However, the claimed limitation of the second client electronic system is the same as that of the first client electronic system as recited in Claim 16 was described above.

Therefore, **It would have been obvious** to one of ordinary skill in the art at the time of the invention was made to provide such electronic subject matters throughout the electronic components of Akatsu, as taught by the applicant for a purpose of hardware implementation for a second client electronic system like the first client electronic system, the motivation being able to implement a plurality of client systems in an electronic shopping and payment infrastructure system of Orfali.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Anthony T Ton** whose telephone number is 703-305-8956. The examiner can normally be reached on M-F: 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W Olms can be reached on 703-305-4703. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ATT



KENNETH VANDERPUYE  
PRIMARY EXAMINER